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EXAMINER

BROWN, VERNAL U

ART UNIT

PAPER NUMBER

2635

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8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/655,733

Applicant(s)

MUI ET AL.

Examiner

Vernal U Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to communication filed on May 2, 2003.

Response to Amendment

The examiner has acknowledged the amended claims 1, 2, 3, 4, 5, 7, 8, 16, the addition of claims 24-28 and the cancellation of claims 19-23.

Response to Arguments

Regarding applicant's argument on page 7 concerning the receiver responding to wireless signal of various protocols and the programming of the receiver to learn the remote protocol, Fong et al teaches that the receiver responds to different remote control and the toys are program for the particular coded signal associated with the different remote control (col. 13 line 60- col. 14 line 2). The different coded signals as disclosed by Fong et al. is the wireless signals of different protocol. The argued limitation of "no programming of the receiver" is not in the claims.

The reference of Pope is use to show the use of an audio-video remote control to control the volume and operate the mute function (col. 1 lines 53-55). Fong teaches the use of an audio-video remote control to operate a sound producing toy (col. 13 line 16).

The reference of Goodrich is used to show the simultaneous control of two audio sources (figure 1) that is not limited to audio-video applications.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 8-9, 12-13, 15, 24, 25, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Fong et al. U.S Patent 6309275.

Regarding claim 8, Fong et al. teaches a device other than audio-video equipment (figure 1) comprising a receiver (34) of wireless control signals having protocols of signals emitted by a plurality of remote controls that individually emit their control signals with a different one of a plurality distinct signal protocol (col. 13 line 60- col. 14 line 2). Fong et al. further teaches the remote control is to control audio-video device (col. 13 line 36). Fong et al. also teaches the device having a decoder (24) connected to the receiver (figure 2) to identify the signal protocol of a received signal and performing the decoded function (col. 13 lines 35-40).

Regarding claim 9, Fong et al. teaches the device comprises a sound generator and the function decoded by the decoder includes a sound control function that is performed with the sound generator (col. 5 lines 48-52).

Regarding claims 12-13, Fong et al. teaches the device include a toy which is either a stuff animal or a doll (figure 1).

Regarding claim 15, Fong et al. teaches the wireless control signal includes infrared radiation pulses (col. 6 lines 21-26)).

Regarding claim 24, Fong et al. teaches an apparatus other than audio-video equipment (figure 1), comprising: a photo-detector (34) adapted to receive infra-red radiation and generate an output signal (col. 4 lines 55-56), a memory storing a library of a set of one or more infra-red signal patterns emitted by each of a plurality of remote controls of audio-video equipment (col.

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13 line 60- col. 14 line 2), a signal decoder (24) connected to receive the photo-detector output and identify a match between a pattern of the output signal and one of the stored library of signal patterns for generating a control signal corresponding to the specific audio-video function of the matched library signal (col. 4 lines 31- 33).

Regarding claim 25, Fong et al. teaches the apparatus component includes a sound source and the designated function controls the sound source (col. 5 lines 48-52).

Regarding claim 28 Fong et al. teaches the apparatus other than audio-video equipment is installed within a toy (figure 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5-6, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pope U.S Patent 5963624 in view of Fong et al. U.S Patent 6309275.

Regarding claims 1 and 26, Pope teaches operating a sound mute function key of a remote control to cause the remote control to emit a signal to which a audio-video equipment is adapted to respond by muting its sound (col. 1 lines 53-55). Pope teaches the remote control in the form of a handset stores different appliance codes (col. 2 lines 48-51) audio-video equipment

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and other appliances (figure 1) but is not explicit in teaching the use of the remote control to mute the audio signal of non audio-video device. Fong et al. in an art related remote controlled device teaches a sound producing device other than a audio-video device (col. 3 lines 47-60) and further teaches the use of an audio-video remote control to control the non audio-video device (col. 13 line 16) and one skilled in the art recognizes that a mute control function is included in the audio-video remote control.

It would have been obvious to one of ordinary skill in the art to use the remote control to mute the audio signal of non audio-video device in Pope as evidenced by Fong et al. because Pope teaches the use of an audio-video remote control to control various devices and Fong et al. teaches the use of an audio-video remote control to control an non audio-video sound producing device and one skilled in the art recognizes that a mute control function is included in the audio-video remote control.

Regarding claims 5-6, Pope is silent on teaching the device includes a toy which is either a stuffed animal or a doll. Fong et al. in an art related invention in the same field of endeavor of using an audio-video equipment remote control to control another device teaches the use of audio-video remote control the sound producing function (col. 13 lines 30-42) in a stuff doll (figure 1).

It would have been obvious to one of ordinary skill in the art for the device to include a toy which is either a stuffed animal or a doll in Pope as evidenced by Fong et al. because Pope in view suggests an audio-video equipment remote control use to control other devices and Fong et al. teaches the use of a television remote control to control the sound producing function in a

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stuff doll so as to allow a common household appliance remote control to be used to control a toy.

Claim 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pope U.S Patent 5963624 in view of Fong et al. U.S Patent 6309275 and further in view of Goodrich U.S Patent 5349639.

Regarding claim 2, Pope in view of Fong et al. teaches the use of remote control to perform to control the mute function of an audio equipment but is silent on teaching the audio-video equipment receive the mute signal simultaneously with the device. Goodrich in an art related Automatic Electronic Audio Signal Attenuating Device And Method invention teaches an audio signal attenuating device (figure 1) which attenuate a first and second device audio signal simultaneously to a desired degree of attenuation (col. 3 lines 25-40).

It would have been obvious to one of ordinary skill in the art for the audio-video equipment to receive the mute signal simultaneously with the device in Pope in view of Fong et al. as evidenced by Goodrich because Pope in view of Fong et al. suggests muting the sound producing equipment during an incoming call and Goodrich teaches multiple audio equipment receiving audio attenuation signal simultaneously in order to decrease the volume of an audio signal while an incoming call is received.

Regarding claims 3 and 4, Pope in view of Fong et al. teaches operating the function key of the remote control to emit signals to which the particular piece of audio-video equipment is adapted to respond by increasing or decreasing a level of its sound output (col. 1 lines 55-63, U.S Patent 5963624) and the use of an audio-video remote control to control the non audio-video

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device (col. 13 line 16, U.S Patent 6309275) but is silent on teaching the emitted signal from the remote control causes the device to increase or decrease its volume. Goodrich in an art related Automatic Electronic Audio Signal Attenuating Device And Method invention teaches an audio signal attenuating device (figure 1) which attenuate a first and second device audio signal simultaneously to a desired degree of attenuation (col. 3 lines 25-40).

It would have been obvious to one of ordinary skill in the art for the emitted signal from the remote control to the audio-video equipment to also cause the device to increase or decrease its sound output in Pope in view of Fong et al. as evidenced by Goodrich because Pope suggests a remote control for decreasing the sound of an audio-video or other equipment when a call is and Fong suggests using an audio-video remote control to control the non audio-video device and Goodrich further teaches an audio signal attenuating device which attenuate a first and second device audio signal to a desired degree of attenuation in order to decrease the volume of an audio signal while an incoming call is received.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pope U.S Patent 5963624 in view of Fong et al. U.S Patent 6309275 and further in view of Bertieri et al. U.S Patent 5782036.

Regarding claim 7, Pope in view of Fong et al. teaches the use of an audio-video remote control to control non audio-video device (col. 3 lines 25-40, U.S Patent 6309275) but is silent on teaching the use of the audio-video remote control to control an home appliance other than an audio-video equipment. Bertieri et al. in an art related multiple appliance remote control system teaches the use of a remote control to control an audio-video appliance and a non audio-video appliance (figure 4).

It would have been obvious to one of ordinary skill in the art to use the audio-video remote control to control a home appliance other than an audio-video equipment in Pope in view of Fong et al. as evidenced by Bertieri et al. because Pope in view of Fong et al. suggests the use of an audio-video remote control to control non audio-video device and Bertieri et al. teaches the use of a remote control to control an audio-video appliance and a non audio-video appliance.

Claims 10-11, 14, 16-18, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fong et al. U.S Patent 6309275 in view of Pope U.S Patent 5963624.

Regarding claim 10, Fong et al. teaches the device learning the functions of the audio-video remote control (col. 13 lines 32-44) but is silent on teaching the decoded sound control function includes muting the sound generator. Pope teaches a remote control having a mute function for muting the device (col. 1 lines 53-55).

It would have been obvious to one of ordinary skill in the art for the decoded sound control function includes muting the sound generator in Fong et al. as evidenced by Pope because Fong et al. suggests learning the function of the remote control and it is typical of remote controllers to have mute button as evidenced by Pope.

Regarding claims 11 and 17, Fong et al. teaches learning the functions of the remote control (col. 13 lines 32-44) but is silent on teaching the decoded sound control function includes adjusting a volume of sound emitted by the sound generator. Pope teaches a remote control having the decoded sound control function includes adjusting a volume of sound emitted by the sound generator (col. 1 lines 59-63).

It would have been obvious to one of ordinary skill in the art for the decoded sound control function to include adjusting a volume of sound emitted by the sound generator in Fong et al. as evidenced by Pope because Fong et al. suggests learning the function of the remote control and it is typical of remote controllers to have volume control function as evidenced by Pope.

Regarding claim 14, Fong et al. is silent on teaching the device includes a home appliance. Pope in an art related invention in the same field of endeavor of remote control teaches an audio-video remote controller controlling a device other than an audio-video device (figure 1).

It would have been obvious to one of ordinary skill in the art to use an audio-video remote controller to control a home appliance in Fong et al. as evidenced by Pope because Fong et al. suggests the use of a television remote control to control a non audio-video device and Pope teaches an audio-video remote controller controlling a device other than an audio-video device in order to allow one remote controller to control multiple devices.

Regarding claim 16, Fong et al. teaches a toy (figure 1) comprising a sound generator (col. 5 lines 21-25), a receiver (34) of wireless control signals having protocols of signal emitted from a plurality of remote control (col. 13 line 60- col. 14 line 2) to specify a particular function to be performed (col. 2 lines 7-10). Fong et al. further teaches the remote control is to control audio-video device (col. 13 line 36). Fong et al. also teaches the device having a decoder (24) connected to the receiver (figure 2) to identify the signal protocol of a received signal and performing the decoded function (col. 13 lines 35-40). Fong et al. is however silent on teaching

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decoding the mute function and to mute the toy. Pope teaches a remote control having a mute function for muting the device (col. 1 lines 53-55).

It would have been obvious to one of ordinary skill in the art for the decoded sound control function includes muting the sound generator in Fong et al. as evidenced by Pope because Fong et al. suggests learning the function of the remote control and it is typical of remote controllers to have mute button as evidenced by Pope.

Regarding claim 18, Fong et al. teaching the toy is a stuff doll (figure 1).

Regarding claim 27, Fong et al. teaches the use of an audio-video remote control to control a sound producing device other than an audio-video device (col. 13 line 36, col. 5 lines 23-26) but is silent on teaching the designated function includes raising or lowering of sound source. Pope in an art related invention in the same field of endeavor of remote control teaches a remote control having the decoded sound control function includes adjusting a volume of sound emitted by the sound generator (col. 1 lines 59-63).

It would have been obvious to one of ordinary skill in the art for the decoded sound control function to include adjusting a volume of sound emitted by the sound generator in Fong et al. as evidenced by Pope because Fong et al. suggests learning the function of the remote control and it is typical of remote controllers to have volume control function as evidenced by Pope.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on M-Th, 8:30 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6743 for regular communications and 703-308-6743 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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Vernal Brown

July 24, 2003

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
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